

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BRITTANY E. MARTIN,

Plaintiff,

v.

HENN LESPERANCE PLC., et al.,

Defendants.

Case No.: 1:24-cv-72

HON. Hala Y. Jarbou

ORAL ARGUMENT REQUESTED

Brittany E. Martin
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**PLAINTIFF'S MOTION FOR RECUSAL OR DISQUALIFICATION OF
MAGISTRATE JUDGE SALLY J. BERENS**

Brittany E. Martin, Plaintiff, hereby moves under 28 U.S.C. § 455(a) and (b) for an order recusing and/or disqualifying Magistrate Judge Sally J. Berens from any further participation in this case.

Ms. Martin asserts that Magistrate Judge Sally J. Berens has a self-enforcing duty to recuse herself from any further participation in this case under 28 U.S.C. § 455 due to direct conflicts of interest and because recusal is required to avoid even the appearance of bias. Alternatively, should Magistrate Judge Berens decline to recuse herself Ms. Martin requests that this motion be referred

to another judge for a hearing on the merits and for an order disqualifying Magistrate Judge Sally J. Berens from any further participation in this case.

A proposed order is attached as **EXHIBIT A**.

Ms. Martin relies on her accompanying Brief in Support of her Motion and states the following:

Ms. Martin reluctantly files this motion acutely aware of the gravity of calling a judge's impartiality into question. However, compelling and objective reasons necessitate this motion and the relief sought to ensure the integrity of these proceedings and maintain public confidence in the judiciary.

1. Magistrate Berens is a “director” of Defendants Thomas C. Walker and Malgorzata (“Gosia”) Walker which constitutes a direct conflict of interest mandating recusal under 28 U.S.C. § 455(b)(5)(i).

Magistrate Judge Sally J. Berens serves as a Director and as the Membership Committee Chairperson at Grand Rapids Yacht Club where Defendant Thomas C. Walker is a voting member and shareholder, and where under the club's bylaws, Thomas C. Walker's family members enjoy the same rights and privileges. This relationship constitutes a direct conflict of interest under 28 U.S.C. § 455(b)(5)(i), which mandates recusal when a judge or magistrate is “an officer, director, or trustee of a party.”

2. Even if recusal were not mandatory as a matter of law under Section 455(b), the facts of this case warrant recusal under Section 455(a).

As further detailed in this motion's accompanying brief, Magistrate Berens' personal and professional relationships with key parties and material witnesses involved in this lawsuit create a probability of actual bias is too high to be constitutionally tolerable or at least an appearance of

bias such that a reasonable, objective person, with knowledge of all of the facts, would question her impartiality in presiding over this matter.

WHEREFORE, Plaintiff Brittany E. Martin respectfully requests that:

1. Magistrate Judge Sally J. Berens enter an order recusing herself from any further participation in this case, or
2. Alternatively, that this motion be referred to another judge for a hearing on the merits, and for an order disqualifying Magistrate Judge Sally J. Berens from any further participation in this case, and
3. Any other relief this Honorable Court deems just and proper.

Respectfully submitted,

Brittany E. Martin
Plaintiff in Pro Se

Dated: May 28, 2024

By: /s/ Brittany E. Martin
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